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BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
Amendment of Section 73.202(b) ) MM Docket No. 94-82  
Table of Allotments ) RM-8487  
FM Broadcast Stations )  
)  
(Spencer and Sac City, Iowa and )  
St. James, Minnesota) )

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To: Chief, Allocation Branch  
Mass Media Bureau

Statement for the Record

Kevin Lein ("Lein"), by his attorneys, hereby submits the following Statement for the Record in this proceeding.

1. On August 1, 1994, Lein tendered to the Commission an application (FCC File No. BPH-940801MA) for a new FM facility on Channel 284A at Sac City (the "Lein Application"). This created an inherent conflict between the Lein Application and the NPRM. In IGL's September 12, 1994, Comments and Alternate Counterproposals in this proceeding, IGL proposed to allocate Channel 240A to Sac City, Iowa, in lieu of Channel 284A. IGL averred that this allocation can be made in compliance with all Commission Rules and Regulations. If adopted, it will eliminate any conflict between Lein's proposal to serve Sac City, and IGL's desire to upgrade KIGL(FM), Spencer, Iowa, from Class A to Class C2 facilities.

2. On May 27, 1994, Iowa Great Lakes Broadcasting Company, Inc. ("IGL") submitted a

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Petition for Rule Making to the Commission which sought to modify the FM Table of Allotments, 47 C.F.R. 73.202(b), to upgrade Channel 285A at Spencer, Iowa, to Channel 285C2, and to modify the license of IGL's FM Station KIGL, Spencer, accordingly; to change the allocation utilized by Station KXAX (FM) at St. James, Minnesota, from Channel 285A to Channel 268A, and to delete the unoccupied and then unapplied for allocation of Channel 284A at Sac City, Iowa. By Notice of Proposed Rule Making and Order to Show Cause, DA 94-772, released July 20, 1994 (the "NPRM"), the Commission sought comments on the IGL proposal.

3. Lein has no objection to adoption of the IGL counterproposal to assign Channel 240A in lieu of Channel 284A at Sac City, and to reimburse Lein for reasonable expenses incurred to amend his application to specify operation on Channel 240A. Indeed, in a responsive pleading filed concurrently herewith with regard to the Lein Application, Lein has indicated that he will accept a grant of a construction permit conditioned on the outcome of this proceeding. Should the Commission substitute Channel 240A at Sac City, Lein will promptly amend its application to specify the new channel, and to make conforming changes.<sup>1</sup> Should the Lein Application be granted prior to issuance of a decision in this proceeding, and the Commission subsequently substitute Channel 240A for Channel 284A at Sac City, Lein will promptly submit an application to modify the facilities of its proposed station to specify operation on Channel 284A.

4. Based on this Statement for the Record, Lein submits that there is no conflict between its application and the counterproposal of IGL. Both can co-exist without causing interference or

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<sup>1</sup> Substitution of Channel 240A to Sac City will require Lein to modify his proposed transmitter site, as his current site is not fully spaced on that channel. Lein has no objection to changing its proposed site, and is currently seeking an alternative transmitter site that will permit it to operate on Channel 240A.

any other concern reflected in the FM table of allotments. Under the circumstances, there is no need for the Commission to undertake any analysis of whether retention of Channel 284A at Sac City is to be preferred over upgrade of Channel 285 from Class A to Class C2 at Spencer. Both parties concerns may be satisfied by adoption of the IGL proposal.

For the reasons set forth herein, Kevin Lein requests that the position set forth herein be reflected in the record of the existing proceeding, and that the Commission promptly resolve this proceeding in a manner that will meet the needs of both IGL and Lein.

Respectfully submitted,

KEVIN LEIN

By   
Clifford M. Harrington

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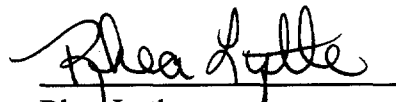
CERTIFICATE OF SERVICE

I, Rhea Lytle, do hereby certify that I have this 12th day of January, 1994, mailed by first-class United States mail, postage prepaid, copies of the foregoing **"STATEMENT FOR THE RECORD"** to the following:

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